

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 249A.4 and 2017 Iowa Acts, House File 653, section 108, the Department of Human Services hereby gives Notice of Intended Action to amend Chapter 52, “Payment,” and Chapter 54, “Facility Participation,” Iowa Administrative Code.

These proposed amendments remove the requirement for an annual cost report for privately operated residential care facilities (RCFs) and change the cost reimbursement methodology to be based on the maximum per diem rate pursuant to subrule 52.1(3).

Any interested person may make written comments on the proposed amendments on or before September 5, 2017. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 249A.4 and 2017 Iowa Acts, House File 653, section 108.

The following amendments are proposed.

ITEM 1. Amend subrule 52.1(3) as follows:

52.1(3) Residential care. ~~Payment to~~ For periods of eligibility before July 1, 2017, the department will reimburse a recipient in either a privately operated or non-privately operated residential care facility ~~shall be made~~ on a flat per diem rate of \$17.86 or on a cost-related reimbursement system with a maximum per diem rate of \$30.11. The department shall establish a cost-related per diem rate for each licensed residential care facility choosing this the cost-related reimbursement method of payment according to rule 441—54.3(249). For periods of eligibility beginning July 1, 2017, and thereafter, payment to a recipient in a privately operated licensed residential care facility shall be based on the maximum per diem rate of \$30.11, but reimbursement for recipients in non-privately operated residential care facilities will continue to be based on the flat per diem rate of \$17.86 or be based on the cost-related reimbursement system with a maximum per diem rate of \$30.11.

The facility shall accept the per diem rate established by the department for state supplementary assistance recipients as payment in full from the recipient and make no additional charges to the recipient.

a. to g. No change.

ITEM 2. Amend rule 441—54.3(249), introductory paragraph, as follows:

441—54.3(249) Financial and statistical report ~~Payment for residential care facilities.~~ Payments for privately operated residential care facilities will be made at the maximum per diem rate in 441—subrule 52.1(3). All Non-privately operated facilities wishing to participate in the program shall submit a Financial and Statistical Report, Form 470-0030, to the department. The reports shall be based on the following rules.